

Application No.: 10/627,305
Dated: February 14, 2008
Response to Official Action of November 19, 2007

REMARKS/ARGUMENTS

Claims 1 through 17 are pending in this application. The applicants have amended claims 1 and 12, support for which may be found at claims 5 and 16, as originally filed and elsewhere within applicants' specification. Claims 5 and 16 have been cancelled without prejudice or disclaimer of subject matter. Claims 6 and 17 have been renumbered in view of the cancellation of claims 5 and 16.

The Examiner has rejected claims 1, 7, 8 and 11 under 35 U.S.C. 102(b) as being anticipated by Hartman et al., U.S. Patent No. 7,146,031. The Examiner has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Hartman et al., U.S. Patent No. 7,146,031, in view of Taylor et al., U.S. Patent No. 5,704,602. The Examiner has objected to claims 2 through 6, 9, 10 and 13 through 17 as being dependent upon a rejected base claim, but has indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The objection to and rejection of applicants' claims, as amended, are respectfully traversed. Reconsideration and favorable action is respectfully solicited in view of the following comments.

The Examiner has rejected claims 1, 7, 8 and 11 under 35 U.S.C. 102(b) as being anticipated by Hartman et al., U.S. Patent No. 7,146,031. The Examiner has taken the position that:

Regarding claim 1, Hartman discloses a methodology for imaging documents (X-Rays), said methodology comprising the steps of: (a) creating at least one separator barcode sheet; (b) placing said at least one separator barcode sheet at the beginning of each new grouping of documents, wherein at least one level of groupings is recognized by at least one correspondingly distinct separator sheet type; (c) scanning said documents (col. 9, lines 37-67); and (d) verifying the continuity of said barcode separator sheets (col. 9 line 67 to col. 10 line 9).

Application No.: 10/627,305

Dated: February 14, 2008

Response to Official Action of November 19, 2007

Regarding claim 7, Hartman discloses the methodology of claim 1 wherein each of said barcode separators comprises a sheet of paper containing a barcode (col. 9 lines 37-48).

Regarding claim 8, Hartman discloses the methodology of claim 7 wherein at least one barcode separators further comprises textual or graphical information (col. 9, lines 37-48).

Regarding claim 11, Hartman discloses the methodology of claim 10 wherein said unique barcode comprises information representative of the format of a document (col. 9 lines 49-67)..

Hartman et al., U.S. Patent No. 7,146,031, proposes a method and system for computer-aided detection of abnormal lesions in digital mammograms, wherein digital films are processed using an automated and computerized method of detecting the order and orientation of a set of films. In one form proposed, anatomic features are used to detect the order, orientation and identification of a film series. In another form proposed, a technologist feeds films into the system in any order and orientation. After processing, the system is said to provide an output on a display device to a radiologist that is in an order and orientation preferred by the radiologist. In yet another form proposed, films from one case are distinguished from films of another case. In this manner and through the use of a bulk loader, a large number of films apparently may be stacked together and fed into the system at one time.

While not necessarily agreeing with or acquiescing in the instant rejection, the applicants have amended claim 1 to incorporate the limitations of claim 5, in view of the Examiner's indication that claim 5 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Application No.: 10/627,305

Dated: February 14, 2008

Response to Official Action of November 19, 2007

Comparing the disclosure of Hartman et al. to applicants' claimed invention reveals that nowhere is applicants' methodology for imaging documents, said methodology comprising the steps of: creating at least one separator barcode sheet; placing said at least one separator barcode sheet at the beginning of each new grouping of documents, wherein at least one level of groupings is recognized by at least one correspondingly distinct separator sheet type; scanning said documents; and verifying the continuity of said barcode separator sheets, wherein there exists a document hierarchy of at least three levels and wherein a first level is a case level, a second level is a category level and a third level is a document level, fairly taught.

As stated in MPEP § 2131, in order to constitute anticipation under the law, a patent or publication must contain within its four corners a sufficient description to enable the person of ordinary skill to make the invention without undue experimentation. All material elements of a claim must be found in one prior art source, a mere suggestion is not enough and essential elements are not to be read into a reference. If a reference does not expressly recite or disclose applicants' claimed invention, as is the case here, then, it is required under principles of inherency that the claimed subject matter be inevitably produced when the teachings of the relied upon reference are followed, in order for a proper case of anticipation to be found.

It is respectfully submitted that applicants' claimed invention is not fairly taught, and that following the teachings of Hartman et al. would not inevitably produce the invention, as presently claimed. In view thereof, it is respectfully requested that the grounds for rejection of claims 1, 7, 8 and 11 under 35 U.S.C. 102(b) as being anticipated by Hartman et al., U.S. Patent No. 7,146,031, be removed.

Application No.: 10/627,305

Dated: February 14, 2008

Response to Official Action of November 19, 2007

The Examiner has rejected claim 12 under 35 U.S.C. 103(a) as being unpatentable over Hartman et al., U.S. Patent No. 7,146,031, in view of Taylor et al., U.S. Patent No. 5,704,602. The Examiner is of the view that:

Regarding claim 12, the arguments under claim 1 apply to claim 12 as well. However Hartman is silent on how the barcode document is created. Taylor discloses automatic creation (labeler) of a banner (separator) sheet with identifying indicia printed on it (col. 1 lines 30-38). Therefore it would have been obvious to use such method in creating a barcode label to be used in Hartman's invention.

As indicated above, Hartman et al., U.S. Patent No. 7,146,031, proposes a method and system for computer-aided detection of abnormal lesions in digital mammograms, wherein digital films are processed using an automated and computerized method of detecting the order and orientation of a set of films. In one form proposed, anatomic features are used to detect the order, orientation and identification of a film series. In another form proposed, a technologist feeds films into the system in any order and orientation. After processing, the system is said to provide an output on a display device to a radiologist that is in an order and orientation preferred by the radiologist. In yet another form proposed, films from one case are distinguished from films of another case. In this manner and through the use of a bulk loader, a large number of films apparently may be stacked together and fed into the system at one time.

Taylor et al., U.S. Patent No. 5,704,602, proposes a system for use in reproduction systems in which a printer outputs a plurality of different plural sheet print jobs to a common stacking output. The system is said to automatically separate respective print jobs into separate folders by loading selected folder paper stock into a paper source for the reproduction system, automatically feed the folder paper stock to the same print jobs stacking output in the correct sequence with the

Application No.: 10/627,305

Dated: February 14, 2008

Response to Official Action of November 19, 2007

feeding of the copy sheets of the print jobs, provide an open folder at the print jobs stacking output in a position to receive the copy sheets therein prior to the print job, then feed the plural printed copy sheets of the print job into the open folder, close the open folder around the print job. The process steps proposed may be repeated for subsequent folders and their respective print jobs, with the closed folders said to provide clear distinctions and separations of the respective print jobs within their respective folders so that a selected print job can be readily removed as a unit within a folder from the common print jobs stacking output. The folders may be on-line separately printed in tab areas and folded. The folding can be uneven or skewed.

While not necessarily agreeing with or acquiescing in the instant rejection, the applicants have amended claim 12 to incorporate the limitations of claim 16, in view of the Examiner's indication that claim 16 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Comparing the relied upon references to applicants' claimed invention reveals that nowhere is applicants' system for imaging documents comprising: at least one labeler; at least one scanner; and a process control function for controlling the imaging of documents wherein said labeler creates at least one separator barcode sheet and wherein said at least one separator barcode sheet is placed at the beginning of each new grouping of documents, wherein said documents are organized according to a hierarchy of at least three levels and wherein a first level is a case level, a second level is a category level and a third level is a document level, fairly taught or suggested.

Application No.: 10/627,305
Dated: February 14, 2008
Response to Official Action of November 19, 2007

In view thereof, the applicants respectfully request that the rejection of claim 12 under 35 U.S.C. 103(a) as being unpatentable over Hartman et al., U.S. Patent No. 7,146,031, in view of Taylor et al., U.S. Patent No. 5,704,602, be removed.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 50-2478 (11065).

In view of the foregoing, it is respectfully submitted that the present claims are in condition for allowance. Prompt notification of allowance is respectfully solicited.

Respectfully submitted,



Date: February 14, 2008

Michael J. Mlotkowski
Attorney for Applicants
Registration No. 33,020
(703) 584-3270

POST OFFICE ADDRESS to which correspondence is to be sent:

Customer No. 25570
Roberts, Mlotkowski & Hobbes
P.O. Box 10064
McLean, VA 22102